

CITY OF CLAYTON BOARD OF ALDERMEN DISCUSSION SESSION
TUESDAY, JANUARY 28, 2020 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND FL
10 N. BEMISTON AVENUE

1. Update on funding for the Shaw Park All-Season Recreation Complex.
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CITY OF CLAYTON BOARD OF ALDERMEN MEETING AGENDA
TUESDAY, JANUARY 28, 2020 – 7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND FL
10 N. BEMISTON AVENUE

ROLL CALL

MINUTES – January 14, 2020

PUBLIC REQUESTS & PETITIONS

UNFINISHED BUSINESS

1. Ordinance – To approve an amendment to Title III, Traffic Code, Schedule VII, Fire lanes. (Bill No. 6775)
 - *To approve an amendment to enact fire lane restrictions in the neighborhoods of Claverach and Country Club Court.*

REPORT FROM THE CITY MANAGER

1. FY2019 4th Quarter Financial Report
2. Ordinance – To approve an easement agreement with Ameren for electrical in Shaw Park. (Bill No. 6778)
 - *To approve a permanent easement to Union Electric Company d/b/a Ameren Missouri to allow them to maintain electrical improvements and other related appurtenances and improvements.*
3. Ordinance – To approve a contract agreement with Azavar Government Solutions for utility audits. (Bill No. 6779)
 - *To approve an agreement with Azavar Government Solutions to perform utility auditing services on utility providers which pay the City gross receipts tax.*
4. Resolution – To approve a revised project list for the Clayton Community Foundation. (Res. No. 2020-02)
 - *To approve the updated list.*
5. Motion - To appoint members to the Boards and Commissions.

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

BOARD UPDATE

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER (*JKW*)
PATTY DEFORREST, DIRECTOR OF PARKS & RECREATION
DATE: JANUARY 28, 2020
SUBJECT: BOARD REPORT ON SHAW PARK ALL-SEASON RECREATION PROJECT

Over the past six months staff has continued to work with Chiodini Architects and S.M. Wilson in order to finalize a design for the replacement facility for the City's Ice Rink. As you know, this past July it was suggested that we explore a design for a cover over the surface in order to make the facility a more fully functioning year-round venue for skating, sports and events. To that end, Chiodini Architects has designed the facility with a cover with the understanding that, without significant private dollars, the facility may or may not be built with the cover. S.M. Wilson has completed cost estimating at this stage for the proposed facility and has indicated that the total cost with cover will be in line with the target of \$14.2 million.

At the same time, efforts have been underway to raise the funds necessary to finance the construction of the facility with a cover. Recently, we have successfully secured a lead donation for the facility. As a condition of their gift they will be given naming rights for the facility, which will be proposed to the Board of Aldermen upon submission of the documents related to that gift. Additionally, several other donors are considering their financial involvement as supporters of the project. It is anticipated that we will secure no less than \$2 million of the \$4 million CCF was asked to raise, but more likely a significant portion above that amount. As \$2 million was previously indicated as the amount necessary to move the project forward with a cover, we are returning to you tonight to review current funding and estimated costs for this facility in order to make a final determination on moving forward with the full design.

Chiodini Architects is slated to present the full design to the Plan Commission for their formal consideration on February 3, 2020 and we believe it is important to be able to present the version of the design that we intend to build. With the cover being a key component of the design, it is critical to their consideration that we can answer questions related to its inclusion.

Financial Update: In order to help make this determination, we have put together a summary of the estimated costs and funding plan for this project. These are outlined on the charts included below:

Shaw Park All-Season Recreation Complex Projected Expenditures	
\$892,208	Prior Design Costs
\$10,854,726	Construction Costs
\$516,036	General Conditions
\$909,660	Contingency
\$149,392	Permits, Insurance
\$407,219	Construction Fee
\$79,818	Payment and Performance Bonds
\$1,314,598	Architect Fees
\$15,123,657	Total Estimated Expenditures

Shaw Park All-Season Recreation Complex Funding	
\$10,200,000	Municipal Bonds (to be paid back over 10 years from Parks & Stormwater Tax proceeds)
\$840,000	St. Louis County Municipal Park Grants (2)
\$2,000,000	Private Contribution (CCF)
\$52,208	City Funding
\$13,092,208	Total Funding as of 1/28/20
\$2,031,449	Project Shortfall
\$15,126,657	Total Estimated Funding for Project

As these estimates were made with 50% design information, we recommend making sure we leave our target funding at \$15,123,657. After review by ARB and prior to construction, we will be locking in the Gross Maximum Project Cost. It may result in a lower anticipated total needed but we recommend continuing to use these numbers for now.

As a result, it may be necessary to pull from our reserves for a portion of this project, but the total will be no more than \$2 million. At this time, we are also beginning putting together our Capital Improvement Plan for the coming years. This will give us a better understanding on where we are in relation to existing funds from the Parks and Stormwater Tax. As the project has been delayed, it may be that there are funds, originally budgeted for this year, that can be used to close the gap this year due to the delay in repayment of the Bonds. We will have a better idea about that in the coming months.

If the Board is supportive of moving forward with the full design, we will include this change in our First Quarter Budget Amendment. Contingent on the Board and ARB's approval, the project team is planning to issue the Demolition and Site Bid Package at the end of February and follow shortly thereafter with other Construction Packages. We anticipate the total construction lasting twelve to fifteen months with a targeted opening date of Summer 2021.

Recommendation: At this time, we recommend that the Board of Aldermen commit to building the facility with the cover pending review by the ARB. If additional donations to offset the funding gap are not secured, project shortfalls will be paid from General Fund Reserves and/or available funds from the Parks and Stormwater Tax.



Board of Aldermen Shaw Park Multi-Use Facility Update

January 28, 2020

The Commons at Shaw Park



Projected Expenditures

Shaw Park All-Season Recreation Complex Projected Expenditures	
\$892,208	Prior Design Costs
\$10,854,726	Construction Costs
\$516,036	General Conditions
\$909,660	Contingency
\$149,392	Permits, Insurance
\$407,219	Construction Fee
\$79,818	Payment and Performance Bonds
\$1,314,598	Architect Fees
\$15,123,657	Total Estimated Expenditures

Funding Plan

Shaw Park All-Season Recreation Complex Funding	
\$10,200,000	Municipal Bonds (to be paid back over 10 years from Parks & Stormwater Tax proceeds)
\$840,000	St. Louis County Municipal Park Grants (2)
\$2,000,000	Private Contribution (CCF)
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Next Steps

- Decision by Board of Aldermen (tonight)
- ARB Review (February 3, 2020)
- Continued efforts to secure donations (Ongoing)
- Bidding of Project (Late February)
- Construction (March 2020 – June 2021)

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
January 14, 2020
7:00 p.m.

Minutes

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Richard Lintz, Ira Berkowitz, Bridget McAndrew, and Susan Buse.

Mayor Harris
Interim City Manager Watson
City Attorney O'Keefe

Motion made by Alderman Lintz to approve the December 17, 2019 minutes. Alderman Boulton seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR DOLGENCORP, LLC D.B.A. DGX #21750 LOCATED AT 45 N. CENTRAL AVENUE.

Interim City Manager Watson reported that Dolgencorp, LLC d.b.a. DGX #21750 is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the package, including Sunday at 45 N. Central Avenue.

DGX representatives, Lorene Eppele, Attorney, Jason Talent, General Manager, and Nick Van Seever, Opus Development, addressed the Board providing a summary of the DGX concept and service in the urban market. DGX is an upscale version of Dollar General, providing fruits, vegetables, beers, wines, and liquor which does not include the small single serve bottles. The 4,800 square foot store will operate 7:00a.m. – 10:00 p.m. daily and the scheduled opening is planned for January 29. The Clayton residents have been in support and are excited for the retailer; signage has been approved.

Motion made by Alderman Winings to approve a liquor license for Dolgencorp LLC d/b/a DGX#21750 located at 45 N. Central Avenue. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING FUNDING FOR THE CITY HALL COUNCIL CHAMBERS AUDIO AND VIDEO SYSTEM REPLACEMENT

Interim City Manager Watson reported that the City Council Chamber currently has a dated, analog, audio and video system that is not performing up to current standards. There are frequent concerns and complaints related to poor audio quality, microphone performance, and low video resolution from the projector system. In order to correct these issues and provide features and functionality that is expected in a modern Council Chamber, we are proposing to replace the current analog system with high performing digital equipment that can meet our requirements and provide the necessary tools to make the space more useful and efficient. Funds have been set aside for these purposes in the Equipment Replacement Fund.

Larry Cawvey, Technology Director, addressed the Board to answer questions. He explained the technology equipment required to meet voting requirements related to teleconferencing during a meeting.

Alderman Winings introduced Bill No. 6774, an ordinance to approve funding for the City Hall Council Chambers audio and video system replacement to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6774, first reading, an Ordinance Approving the Purchase of a New Audio and Video System for the City Council Chamber by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6774 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6774, an ordinance to approve funding for the City Hall Council Chambers audio and video system replacement to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6774, second reading, an Ordinance Approving the Purchase of a New Audio and Video System for the City Council Chamber by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6635 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO TITLE III, TRAFFIC CODE, SCHEDULE VII, FIRE LANES

Interim City Manager Watson reported that the bill amends Title III Traffic Code by adding additional streets to Schedule VII Fire Lanes. The primary purpose of this bill is to enact fire lane restrictions in the neighborhoods of Claverach and Country Club Court.

The addition of the neighborhood streets listed completes the Fire Lane Parking Plan. The Fire Lane Ordinance Project was initiated for all City of Clayton streets and was developed for implementation over a period of time encompassing the last several years. This process was systematic in its approach through notification, public input and public participation.

In accordance with Section 305.030 of the Municipal Code, the Fire Chief is authorized to designate fire lanes areas as deemed necessary to provide unobstructed access for Fire Department and other emergency vehicles. However, for greater transparency, public awareness and to afford more efficient enforcement staff is recommending codifying the designations in the traffic section of the code.

Chief John Paul Jones addressed the Board to answer questions. He explained the transition process (i.e. notification, signage, patrolling, etc.) that is planned.

Alderman Buse thanked Chief Jones for holding public meetings and listening to the many public comments and concerns.

Alderman Winings suggested to hold the first reading tonight and the second reading to the next meeting in order to give the residents an additional opportunity to be heard.

Alderman Winings introduced Bill No. 6775, an ordinance to approve an amendment to Title III, Traffic Code, Schedule VII, Fire lanes to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6775, first reading, an Ordinance Amending Table VII-A of Schedule VII of Title III of the Clayton City Code Relating to Parking Restrictions for Fire Lanes by title only.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO TABLE III-E AND TABLE III-O, PARKING REGULATIONS.

Interim City Manager Watson reported that the ordinance amends Schedule III of the Title III Traffic Code by revising sections of N. Bemiston and N. Central in Table III-E and Table III-O of the Parking Restrictions.

In 2019 city staff reviewed a request to modify the parking restriction on three streets in Old Town Neighborhood. The proposed changes involved modifying the parking restrictions from “1 HR Residential Parking Zones 8:00AM to 5:00PM Weekdays Except by Permit for Residential Zone” to “1 HR Residential Parking Zones 8:00AM to 9:00PM Monday through Saturday Except by Permit for Residential Zone”.

Alderman Winings and Alderman McAndrew explained that this proposal began during the library renovations where construction workers (and area restaurant employees) were parking in the neighborhoods.

Gary Carter, Economic Developer, addressed the Board to answer questions. He explained that the Parking Ambassadors would patrol during the daytime hours and the police would patrol in the evening. He stated that it is also related to discussions on the Entertainment Overlay when at that time the residents of Old Town came to the City with issues on the existing parking challenges.

Alderman Winings introduced Bill No. 6776, an ordinance to approve an amendment to Table III-E and Table III-O, Parking Regulations to be read for the first time by title only.

Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6776, first reading, an Ordinance Amending Table III-E and Table III-O of Schedule III of Title III of the Clayton City Code by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6776 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6776, an ordinance to approve an amendment to Table III-E and Table III-O, Parking Regulations to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6776, second reading, an Ordinance Amending Table III-E and Table III-O of Schedule III of Title III of the Clayton City Code by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6636 of the City of Clayton.

ORDINANCE – TO APPROVE THE FY2019 4TH QUARTER BUDGET AMENDMENT

Interim City Manager Watson reported that as part of the quarterly budget review, staff is presenting for your consideration the fourth amendment to the Fiscal Year 2019 (FY19) budget. The largest part of this amendment is related to the establishment of two new capital project funds for the Center Renovations and the Ice Rink, the budget reduction in those two projects for FY19 as the construction work continues on the Center and will begin soon on the Ice Rink; and the delay in the construction portion of Brentwood Boulevard and Maryland Avenue, which will both now occur in FY20. The Brentwood project was delayed due to longer discussions early in the process regarding lane movement, bike lanes and medians, and then later in the process regarding right-of-way acquisitions; and the reduction in various revenue received.

Alderman Winings introduced Bill No. 6777, an ordinance to approve the FY2019 4th Quarter Budget Amendment to be read by title for the first time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6777, first reading, an Ordinance Amending the Fiscal Year 2019 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6777 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6777, an ordinance to approve the FY2019 4th Quarter Budget Amendment to be read by title for the second time. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6776, second reading, an Ordinance Amending the Fiscal Year 2019 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6637 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING THE ECONOMIC DEVELOPMENT STRATEGIC PLAN

Interim City Manager Watson reported that during the December 17, 2019, Board of Aldermen meeting staff presented the draft economic development strategic plan. The plan is a requirement for the City to be certified by the International Economic Development Council's (IEDC) Accredited Economic Development Organization (AEDO) Program.

Gary Carter, Director of Economic Development addressed the Board to answer questions.

Alderman Buse commented that this is an amazing document and the data is helpful. She urges caution to the Board as they go into the Comprehensive Plan that with economic growth the numbers alone are not what will make a sustainable city. We want the vibrancy, but when we build a bike path and create walkability, we can also take away buildable space. Increases in rentals versus home ownership sounds good as far as economics, but it also changes the voting base as it relates to the support of the schools because of people who may not be here long term. She asked the Board to keep an open broader view of in mind. The rising housing values, it's a wonderful thing, we all want that to happen, but as you look at other cities, i.e. Nashville, Dubuque, Minneapolis, which all are doing well and moving forward sustainably - it's due to diversity in the housing stock. Companies go there to invest because they want places where their employees can work, live, and go to school. She referenced the data that is listed in the Plan with regard to the African American numbers and urged caution in trying to make sure that it is used as a tool to take in all factors.

Gary Carter stated that the estimated number(s) came from the Census data (2009) which has historically been accurate.

Mayor Harris applauded staff for moving forward on accreditation.

Motion made by Alderman Winings to approve Resolution No. 2020-01, the Economic Development Strategic Plan. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

MOTION – TO APPROVE THE DESTRUCTION OF RECORDS IN ACCORDANCE WITH THE MISSOURI SECRETARY OF STATE RECORDS RETENTION SCHEDULE

Interim City Manager Watson reported that it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Alderman level, and to include a list which describes the record series including quantity to be disposed, the manner of destruction and destruction date.

Below is a list of records staff is proposing to dispose, note that in 2015 the retention schedule for employee personnel records was revised from 75 years to 20 years which now allows us to dispose of older records that were previously retained.

Human Resources Office

- Separated Employee Personnel Records dated January 1950 through December 1999
- Employee Time and Attendance Records dated January 1950 through December 2016
- Employee Recruitment and Selection Records dated January 1950 through December 2016
- Employment Eligibility Verification (I-9) Forms for Separated Employees with dates of Separation from January 1950 through December 2018
- Employee Benefit Records from January 1950 through December 2016
- Human Resources Invoice Copies from January 1950 through December 2018
- Employee Wage & Tax Statements (W-2 Forms and copies of employee paycheck stubs) from January 1950 through December 2014

Based on the Board's past discussions, staff has reviewed the records to assure that the retention schedules set forth by the Secretary of State have been satisfied, and that these records are no longer needed by staff. We have also verified that this list does not contain any building records, or other items we would consider to be of an "historical" nature.

In following the Board's request that a method of disposal be procured that assures maximum security/confidentiality of the records, the City has arranged for a company to come to City Hall and shred the records on-site. This will occur in a timely manner upon approval of the motion by the Board of Aldermen.

Mayor Harris inquired as to determining historical documents and if there were any criteria in place to do so. City Clerk Frazier stated that there currently are no criteria in place to determine historical documents and that she would research it.

Motion made by Alderman Winings to approve the destruction of the records as listed. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Berkowitz commented that the State of the City was a great event, very well-done.

Alderman Lintz reported that the Plan Commission met; discussed two items – signage and a house renovation.

Alderman McAndrew reported that Clayton Community Foundation met; Sarah Mellinger's presidential term will be up soon, and Becky Patel will become president.

Alderman Buse reported that she and Mayor Harris met with Lisa Clancy and Darlene Reed regarding the Community Equity Commission.

Mayor Harris recognized from the audience Clayton's new City Manager, David Gipson, who will begin his new position with the City on February 3.

There being no further business the meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER
DATE: JANUARY 28, 2020
SUBJECT: ORDINANCE – AMENDING TITLE III, TRAFFIC CODE, SCHEDULE VII, FIRE LANES – *2ND READING*

The attached bill amends Title III Traffic Code by adding additional streets to Schedule VII Fire Lanes. The primary purpose of this bill is to enact fire lane restrictions in the neighborhoods of Claverach and Country Club Court.

The addition of the neighborhood streets listed completes the Fire Lane Parking Plan. The Fire Lane Ordinance Project was initiated for all City of Clayton streets and was developed for implementation over a period of time encompassing the last several years. This process was systematic in its approach through notification, public input and public participation.

In accordance with Section 305.030 of the Municipal Code, the Fire Chief is authorized to designate fire lanes areas as deemed necessary to provide unobstructed access for Fire Department and other emergency vehicles. However, for greater transparency, public awareness and to afford more efficient enforcement staff is recommending codifying the designations in the traffic section of the code

STAFF RECOMMENDATION: To approve the ordinance.

BILL NO. 6775

ORDINANCE NO.

AN ORDINANCE AMENDING TABLE VII-A OF SCHEDULE VII OF TITLE III OF THE CLAYTON CITY CODE RELATING TO PARKING RESTRICTIONS FOR FIRE LANES

WHEREAS, prompt and unimpeded access of emergency vehicles can make the difference between life and death, or between a minor incident and a catastrophe; and

WHEREAS, the Clayton Fire Chief, Fire Marshal and the professional men and women of the Clayton Fire Department for the past several months have been assessing the conditions on roadways throughout the City with regard to the safe and swift passage of various emergency vehicles of the Department at different times of day and under different conditions and have determined that establishing the fire lane restrictions hereinafter provided will promote public health and safety and facilitate delivery of the critical life-saving services upon which all Clayton residents rely;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

SECTION 1. Table VII-A of Schedule VII of Title III of the Municipal Code of the City of Clayton, Missouri, is hereby amended by designating the following additional locations to be Fire Lanes and prohibiting parking in the areas so designated, to wit:

Schedule VII. Parking Restrictions

Table VII-A. Fire Lanes.

[As authorized by and in accordance with Chapter 350, the following areas shall be designated as fire lanes where parking, standing or stopping is prohibited at all times, except as noted herein:

Locations]

[**NOTE:** Other portions of Schedule VII-A are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these portions are not set forth here in full.]

Broadview Drive:

On the west side from Clayton Road to Hillvale Drive.

On the east side from Hillvale Drive to a point one hundred sixty (160) feet north of Hillvale Drive.

On the east/west curve, at the North end, from Hillvale Drive to Ridgemoor Drive.

On all sides of the island in the intersection of Broadview Drive and Claverach Drive.

On all sides of the two islands in the intersection of Broadview Drive and Hillvale Drive.

Claverach Drive:

On the north side from Crestwood Drive to a point six hundred thirty-eight (638) feet east of Crestwood Drive.

On the south side from Broadview Drive to a point approximately one hundred twenty-five (125) feet west of Broadview Drive.

Country Club Court:

Along both sides of the center median of Country Club Court.

On the north side from Hanley Road to a point sixty-three (73) feet west of Hanley Road.

On the north side from a point two hundred sixty-five (265) feet west of Hanley Road to a point three hundred fifteen (315) feet west of Hanley Road.

On the south side from a point two hundred sixty (260) feet west of Hanley Road to a point three hundred ten (310) feet west of Hanley Road.

Crestwood Drive:

On the east side from Clayton Road to a point nine hundred seventy (970) feet north of Clayton Road.

On the east side from Wydown Boulevard to a point six hundred (600) feet south of Wydown Boulevard.

On the east side of the southbound lane from a point six hundred fifty-five (655) feet south of Wydown Boulevard to a point one thousand twenty-five (1025) feet north of Clayton Road.

On the west side of the northbound lane between a point six hundred fifty-five (655) feet south of Wydown Boulevard to a point one thousand twenty-five (1025) north of Clayton Road.

Harcourt Drive:

On the south side from Ridgemoor Drive to Hillvale Drive.

On the north side from Ridgemoor Drive to a point eighty (80) feet to the west of Ridgemoor Drive.

On the north side from Hillvale Drive to a point forty (40) feet to the east of Hillvale Drive.

Hillvale Drive:

On the north side from Audubon Drive to Crestwood Drive.

On the south side from Crestwood Drive to Broadview Drive.

Along the median between Broadview Drive and Harcourt Road.

On the east side from Harcourt Drive to Wydown Boulevard.

On all sides of the two islands in the intersection of Hillvale Drive and Harcourt Drive.

Ridgemoor Drive:

On the east side from Clayton Road to a point one thousand four hundred eighty-five (1485) feet north of Clayton Road.

On the west side from Broadview Drive to Wydown Boulevard.

On all sides of the island in the intersection of Ridgemoor Drive and Broadview Drive.

On all sides of the island in the intersection of Ridgemoor Drive and Harcourt Drive.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of its passage.

Passed by the Board of Aldermen this 28th day of January 2020.

Mayor

Attest:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER
DATE: JANUARY 28, 2020
SUBJECT: FISCAL YEAR 2019 DRAFT YEAR-END FINANCIAL REPORT

Attached you will find the draft year-end Financial Report for Fiscal Year 2019 (FY19). This report reflects the 4th Quarter Budget Amendment presented at this same Board meeting. Below are highlights and explanations of the General Fund year-end results.

- We started this year with a projected General Fund surplus of \$272,887. This report reflects a \$569,136 surplus for this fiscal year. This is less than the \$1.7 million final surplus last year, of which \$1.3 million was transferred to the capital fund.
- Sales tax receipts are 2.3% higher than the same period last year, with some sales taxes being higher and some lower than last year depending on the level of sharing of revenue.
- Property tax receipts were only slightly higher than last year.
- Utility receipts are down 10.6%, even when excluding a one-time settlement receipt which occurred last year receipts are down 8.1%. The largest decreases occurred in telephone and electric gross receipts. Per the state municipal league, telephone receipts are down state-wide and probably are due to less phone services in general, with more of the services being in categories not subject to the telecommunications gross receipts tax.
- Building permit revenue is significantly down from a high of last year, but some development permit revenue was postponed to 2020. Substantial projects planned to have occurred in 2019 that did not are the Clarendale, AC Hotel and the new Forsyth development, all of which had adjusted timelines for paying permit fees.

As always, we appreciate any questions or comments on this report.

CITY OF CLAYTON

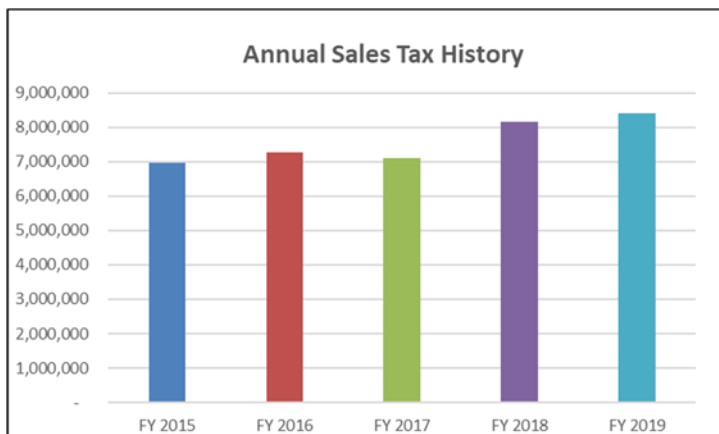
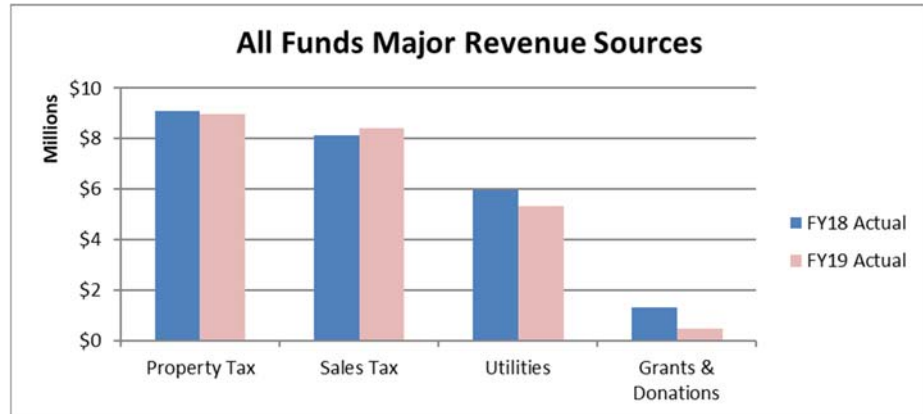
All Funds Report in Brief

FY 2019

Property tax revenue is collected in the General, Special Business District and Capital Improvement Funds, and the 2009 Special Obligation and 2014 General Obligation Debt Service Funds.

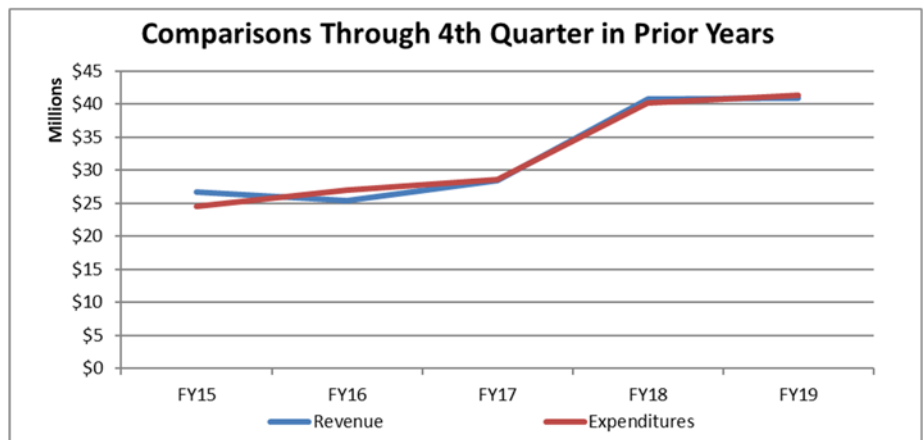
Property tax collections are 1.4% lower than last year, generally due to lower rates needed for

debt service. Sales tax revenue in all funds is 3.3% higher than last year. Utility tax and franchise fees are 10.6% lower than last year and grant revenue and other donations are 64.7% lower than last year. Combined, these four main sources of revenue are 5.4% lower in FY19 as compared to the prior year. Total revenue was higher than last year due to the sale of the building where the police department was previously housed for \$2.3 million.



Sales/use tax revenue are collected in both the General and Capital Improvement Funds. Sales/use tax revenue for the last five fiscal years is shown to the left. The addition of the public safety sales tax began in 2018 and the addition of the use tax began mid-year 2019.

This line graph provides a comparison of current year revenue and expenditures for each of the last five fiscal years. Departmental transfers from the General Fund to the Equipment Replacement Fund and Capital Improvement Fund are excluded from this data.



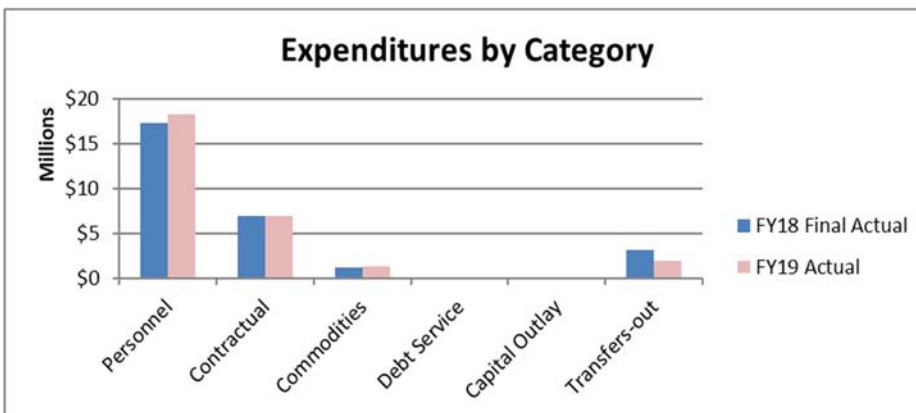
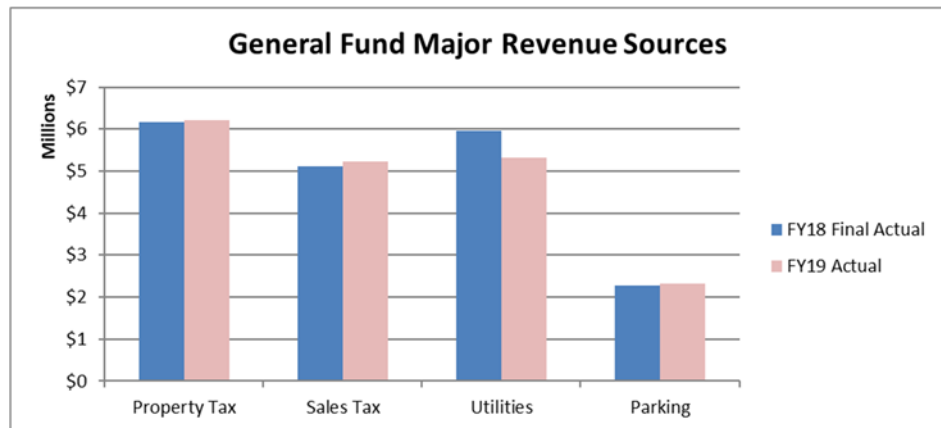
CITY OF CLAYTON

General Fund Report in Brief

FY 2019

General fund property tax revenue for FY19 is only slightly higher than the prior year (0.6%). Sales tax revenue for this year is 2.3% higher than the prior year, while utility tax revenue is 10.6% less. Parking revenue was also only slightly higher than last year. Sales/ use tax revenue includes the

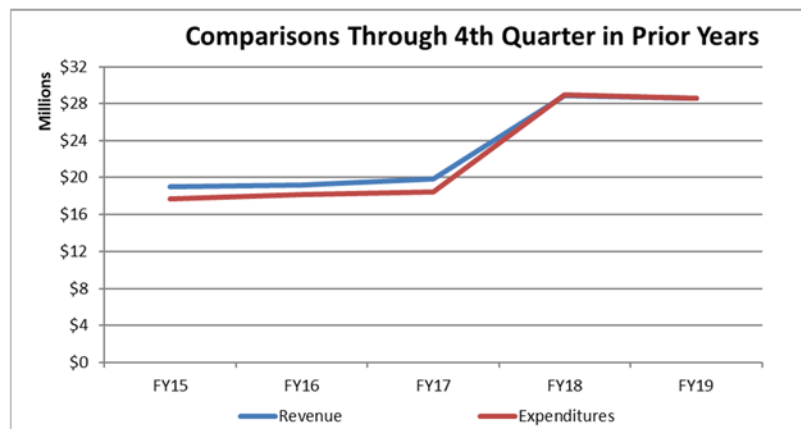
one cent general tax, the one-quarter cent local option tax, the one-quarter cent fire service tax, and a one-half cent public safety tax. Utility revenue includes electric, gas, water, telephone and cable franchise fees. Parking revenue includes revenue from parking meters, permits, lots and parking structures.



This bar graph displays the comparison, by category, of the General Fund expenditures to last fiscal year. Personnel costs, consisting of salaries and benefits, comprise the largest category of expenditures. FY19 personnel expenditures

are \$895,510, or 5% higher than last year. Total General Fund expenditures are \$378,774 or 1.3% less this year in comparison to last year.

This line graph illustrates General Fund revenue and expenditures for each of the last five fiscal years. Departmental transfers from the general fund to the equipment fund and the capital improvement fund are included as they are a large part of yearly costs.



CITY OF CLAYTON

Analysis of Revenue & Expenditures FY 2019

This financial report is a draft year-end report for the fiscal year ended September 30, 2019. Significant highlights are summarized below.

Summary of All Funds

Fiscal year 2019 resulted in a \$1.6 million surplus. Revenue totaled \$37.0 million for FY19 and was \$849,808 less than FY18. Total revenue was 100.3% of the final amended budget.

Expenditures totaled \$37.4 million for FY19 and were \$1.8 million more than was spent the prior year. Of this amount, \$2 million was spent in the new Capital Project funds for the Center renovations and the Ice Rink projects.

All Funds Summary	FY18 Final Actual	FY19 Amended Budget	FY19 Actual
Revenue	\$36,126,824	\$36,879,046	\$36,976,633
Transfers-in	8,010,570	7,041,318	7,021,243
Revenue & Transfers-in	44,137,395	43,920,364	43,997,875
Expenditures	35,590,598	36,467,647	37,412,278
Transfers-out	8,010,570	7,041,318	7,021,243
Expenditures & Transfers-out	43,601,168	43,508,965	44,433,521
Surplus (Deficit)	536,226	411,399	(435,646)

General Fund

FY19 resulted in a \$571,011 surplus compared to a \$479,984 final surplus last year. In addition to last year's surplus, the Board chose to transfer \$1.3 million to the capital fund, therefore the operating surplus was actually \$1.7 last year as compared to \$571,011 this year.

General Fund Revenue: Revenue totaling \$26.5 million was received FY19 which is \$857,949 less than revenue received in the prior year. The sources of revenue experiencing the largest decrease was utility taxes.

General Fund Expenditures: Expenditures totaling \$26.6 million were \$876,662 or 3.4% higher than the prior year. Personnel Services experienced the largest increase at \$898,810 or 5.2%.

General Fund Summary	FY18 Final Actual	FY19 Amended Budget	FY19 Actual
Revenue	\$27,407,135	\$26,364,934	\$26,549,186
Transfers-in	1,973,502	2,543,703	2,543,703
Revenue & Transfers-in	29,380,637	28,908,637	29,092,889
Expenditures	25,736,089	27,326,288	26,614,626
Transfers-out	3,164,563	1,909,127	1,909,127
Expenditures & Transfers-out	28,900,652	29,235,415	28,523,753
Surplus (Deficit)	479,984	(326,778)	569,136

Special Revenue Funds

In the Sewer Lateral Fund, revenue of \$95,608 was received and expenditures of \$146,140 were incurred, leaving a deficit of \$50,532. In FY20, the maximum reimbursement amount was reduced to reduce the deficit spending. In the Special Business District (SBD) Fund, revenue of \$469,450 was received and \$535,711 was transferred to the General Fund, resulting in a planned deficit of \$66,261.

Special Revenue Funds	FY19		
	FY18 Final Actual	Amended Budget	FY19 Actual
Sewer Lateral Revenue	\$96,095	\$93,400	\$95,608
SBD Revenue	466,014	471,711	469,450
Total Revenue	562,109	565,111	565,058
Sewer Lateral Expenditures	109,219	146,500	146,140
SBD Transfers-out	564,504	535,711	535,711
Total Expenditures	673,723	682,211	681,851
Surplus (Deficit)	(111,614)	(117,100)	(116,793)

Equipment Replacement Fund

Revenue and transfers in were similar to the prior year, totaling \$2,180,770 for FY19. Expenditures totaled \$1,365,808 leaving a surplus of \$814,962.

Equipment Replacement Fund	FY19		
	FY18 Final Actual	Amended Budget	FY19 Actual
Revenue	\$375,301	\$363,650	\$315,369
Transfers-in	1,820,837	1,865,401	1,865,401
Revenue & Transfers-in	2,196,138	2,229,051	2,180,770
Expenditures	2,018,478	1,518,177	1,368,808
Surplus (Deficit)	177,659	710.874	814,920

Capital Improvement Fund

Revenue and transfers-in through the end of FY19 were \$8.3 million and was \$11,793,848 less than the original budget as several large projects were delayed.

Capital Improvement Fund	FY19		
	FY18 Final Actual	Amended Budget	FY19 Actual
Revenue	\$5,036,433	\$6,983,201	\$6,940,439
Transfers-in	2,081,768	1,325,932	1,325,830
Revenue & Transfers-in	7,118,201	8,309,133	8,266,269
Expenditures	3,383,286	3,923,780	3,721,539
Transfers-out	3,543,461	3,314,274	3,294,301
Expenditures & Transfers-out	6,926,748	7,238,054	7,015,840
Surplus (Deficit)	191,453	1,071,079	1,250,428

Other Capital Project Funds

These funds were established this year to account for the expenditures for two large bond-funded projects. Both bond issuances have or will occur in FY20.

Capital Projects Funds	FY18 Final Actual	FY19 Amended Budget	FY19 Actual
<i>Center Renovations Project</i>			
<i>Contribution to CRSWC</i>	-	\$1,830,000	\$1,827,237
<i>Total Expenditures</i>	-	1,830,000	1,827,237
<i>Ice Rink Project</i>			
<i>Park Improvement Shaw Park</i>	-	200,000	197,339
<i>Total Expenditures</i>	-	200,000	197,339
<i>Surplus (Deficit)</i>	-	(2,030,000)	(2,035,576)

Debt Service Funds

Revenue in all debt service funds totaled \$2.6 million and consists of real and personal property taxes, federal bond interest rebates and interest income. Debt service expenditures totaled \$3.5 million.

Debt Service Funds	FY18 Final Actual	FY19 Amended Budget	FY19 Actual
<i>Revenue</i>	\$2,745,847	\$2,602,150	\$2,606,581
<i>Transfers-in</i>	2,134,463	1,306,282	1,286,309
<i>Revenue & Transfers-in</i>	4,880,310	3,908,432	3,892,890
<i>Expenditures</i>	4,343,525	3,552,902	3,539,589
<i>Transfers-out</i>	738,042	1,282,206	1,282,104
<i>Expenditures & Transfers-out</i>	5,081,567	4,835,108	4,821,692
<i>Surplus (Deficit)</i>	(201,257)	(926,676)	(928,802)

City of Clayton
FY 2019
Year-End Financial Report
For the Twelve Months Ending September 30, 2019

All Funds

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of CY Budget Received/ Expended	\$ Over (Under) Prior Year
<u>Revenue</u>						
General Fund	27,407,135	28,219,534	26,364,934	26,549,186	100.7%	(857,949)
Sewer Lateral Fund	96,095	93,400	93,400	95,608	102.4%	(487)
Special Business District Fund*	466,014	485,711	471,711	469,450	99.5%	3,436
Equipment Replacement Fund	375,301	329,010	363,650	315,369	86.7%	(59,932)
Capital Improvement Fund	5,036,433	17,818,921	6,983,201	6,940,439	99.4%	1,904,006
Capital Projects Funds	-	-	-	-		-
Debt Service Funds	2,745,847	2,842,150	2,602,150	2,606,581	100.2%	(131,945)
Total Revenue	36,126,824	49,788,726	36,879,046	36,976,633	100.3%	849,808
Transfers-in	8,010,570	7,956,581	7,041,318	7,021,243	99.7%	(989,327)
Total Revenue & Transfers-in	44,137,395	57,745,307	43,920,364	43,997,875	100.2%	(139,519)
<u>Expenditures</u>						
General Fund	25,736,089	28,411,223	27,326,288	26,614,626	97.4%	878,537
Sewer Lateral Fund	109,219	105,000	146,500	146,140	99.8%	36,921
Equipment Replacement Fund	2,018,478	2,344,985	1,518,177	1,365,808	90.0%	(652,670)
Capital Improvement Fund	3,383,286	15,011,717	3,923,780	3,721,539	94.8%	338,253
Capital Projects Funds			2,030,000	2,024,576		-
Debt Service Funds	4,343,525	3,552,902	3,552,902	3,539,589	99.6%	(584,237)
Total Expenditures	35,590,598	49,425,827	38,497,647	37,412,278	97.2%	1,821,680
Transfers-out	8,010,570	7,956,581	7,041,318	7,021,243	99.7%	(989,327)
Total Expenditures & Transfers-out	43,601,168	57,382,408	45,538,965	44,433,521	97.6%	832,353
Surplus (Deficit)	536,226	362,899	(1,618,601)	(435,646)		

**Expenditures related to Economic Development and Events are recorded in the General Fund while revenue is recorded in the Special Business District Fund, with transfers out to the General Fund supporting the expenditures.*

City of Clayton
FY 2019
Quarterly Financial Report
For the Twelve Months Ending September 30, 2019

General Fund

The General Fund accounts for all revenue and expenditures associated with the traditional services provided by the Clayton City government.

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>						
Revenue						
Property Taxes	6,164,146	6,429,924	6,204,924	6,203,177	100.0%	39,031
Licenses, Permits & Fees	3,522,070	4,105,848	3,235,848	3,302,056	102.0%	(220,014)
Sales Tax	5,105,173	5,404,565	5,234,565	5,221,766	99.8%	116,592
Utilities	5,952,439	5,827,045	5,327,045	5,322,990	99.9%	(629,449)
Intergovernmental	1,817,444	1,893,623	1,901,023	1,985,725	104.5%	168,281
Parks & Recreation	997,971	1,042,564	1,025,564	971,692	94.7%	(26,279)
Fines & Forfeitures	942,963	941,400	691,400	659,914	95.4%	(283,049)
Parking	2,279,398	2,188,842	2,188,842	2,320,135	106.0%	40,736
Miscellaneous	625,530	385,723	555,723	561,732	101.1%	(63,798)
Total Revenue	27,407,135	28,219,534	26,364,934	26,549,186	100.7%	(857,949)
Transfers-in	1,973,502	2,543,703	2,543,703	2,543,703	100.0%	570,201
Total Revenue & Transfers-in	29,380,637	30,763,237	28,908,637	29,092,889	100.6%	(287,748)
<u>Expenditures & Transfers-out</u>						
Expenditures						
Personnel Services	17,392,219	18,933,948	18,470,473	18,287,729	99.0%	895,510
Contractual Services	6,949,201	7,851,058	7,338,005	6,916,696	94.3%	(32,506)
Commodities	1,138,012	1,488,917	1,393,055	1,300,711	93.4%	162,699
Debt Service	134,638	-	-	-	-	(134,638)
Capital Outlay	122,019	137,300	124,755	109,490	87.8%	(12,528)
Total Expenditures	25,736,089	28,411,223	27,326,288	26,614,626	97.4%	878,537
Transfers-out	3,164,563	2,079,127	1,909,127	1,909,127	100.0%	(1,255,436)
Total Expenditures & Transfers-out	28,900,652	30,490,350	29,235,415	28,523,753	97.6%	(376,899)
Surplus (Deficit)	479,984	272,887	(326,778)	569,136		

General Fund Expenditures by Department

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Expenditures & Transfers-out</u>						
Expenditures						
Board of Aldermen & City Clerk	86,007	126,821	126,821	105,633	83.3%	45,402
City Manager	685,911	890,534	741,520	708,240	95.5%	264,672
Economic Development	507,435	661,670	658,794	575,906	87.4%	257,012
Finance & Administration	2,425,000	3,077,885	2,712,196	2,561,381	94.4%	799,430
Planning & Development	1,041,254	1,132,235	1,032,076	999,209	96.8%	212,306
Police	6,841,077	7,053,932	7,020,066	6,960,318	99.1%	2,095,496
Fire	4,892,417	5,676,968	5,616,184	5,553,246	98.9%	1,972,535
Public Works	6,186,558	6,602,363	6,354,350	6,150,021	96.8%	1,930,712
Parks & Recreation	2,639,703	2,725,260	2,585,726	2,527,368	97.7%	781,981
Insurance	430,727	463,555	478,555	473,303	98.9%	96,229
Total Expenditures	25,736,089	28,411,223	27,326,288	26,614,626	97.4%	8,455,775
Transfers-out	3,164,563	2,079,127	1,909,127	1,909,127	100.0%	499,750
Total Expenditures & Transfers-out	28,900,652	30,490,350	29,235,415	28,523,753	97.6%	8,955,525

City of Clayton
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For the Twelve Months Ending September 30, 2019

Sewer Lateral Fund

The Sewer Lateral Fund provides funding to residents for all or a portion of the cost of certain repairs of defective sewer lateral lines on all residential property having six or fewer dwelling units.

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>						
Revenue						
Sewer Lateral Fees	94,572	92,400	92,400	93,235	100.9%	(1,337)
Interest Income	1,523	1,000	1,000	2,373	237.3%	850
Total Revenue	96,095	93,400	93,400	95,608	102.4%	(487)
Transfers-in	-	-	-	-	-	-
Total Revenue & Transfers-in	96,095	93,400	93,400	95,608	102.4%	(487)
<u>Expenditures & Transfers-out</u>						
Expenditures						
Sewer Lateral Expenditures	109,219	105,000	146,500	146,140	99.8%	36,921
Total Expenditures	109,219	105,000	146,500	146,140	99.8%	36,921
Transfers-out	-	-	-	-	-	-
Total Expenditures & Transfers-out	109,219	105,000	146,500	146,140	99.8%	36,921
Surplus (Deficit)	(13,124)	(11,600)	(53,100)	(50,532)		

Special Business District Fund

improvements, promotion of the area through marketing and advertising, and efforts related to attraction and/or retention of businesses. Expenditures related to Economic Development and Events are recorded in the General Fund, while revenue is recorded in the Special Business District Fund, with transfers out to the General Fund supporting these items.

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>						
Revenue						
<i>Property Tax</i>	462,515	483,461	469,461	466,390	99.3%	3,875
Investment Income	3,240	2,250	2,250	3,060	136.0%	(179)
Miscellaneous	260	-	-	-	-	(260)
Total Revenue	466,014	485,711	471,711	469,450	99.5%	3,436
Transfers-in	-	-	-	-	-	-
Total Revenue & Transfers-in	466,014	485,711	471,711	469,450	99.5%	3,436
Transfers-out	564,504	535,711	535,711	535,711	100.0%	(28,793)
Surplus (Deficit)	(98,490)	(50,000)	(64,000)	(66,261)		

City of Clayton
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Quarterly Financial Report
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Equipment Replacement Fund

The Equipment Replacement Fund establishes a "sinking" or reserve account for the systematic replacement of all capital vehicles and large equipment. The net replacement cost for each item is divided by its useful life, resulting in an annual amount to be budgeted and transferred to this fund for the replacement of the item.

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>						
Revenue						
Gain/Loss on Sale of Assets	175,459	127,910	162,550	174,590	107.4%	(869)
Interest Income	80,170	93,100	93,100	140,667	151.1%	60,497
Miscellaneous/Grants	119,672	108,000	108,000	112	-	(119,559)
Total Revenue	375,301	329,010	363,650	315,369	86.7%	(59,932)
Transfers-in	1,820,837	1,865,401	1,865,401	1,865,401	100.0%	44,564
Total Revenue & Transfers-in	2,196,138	2,194,411	2,229,051	2,180,770	97.8%	(15,368)
<u>Expenditures & Transfers-out</u>						
Expenditures						
Technology Projects	654,602	738,514	408,514	345,126	84.5%	(309,476)
Vehicles and Equipment	1,260,858	1,503,453	1,006,645	917,664	91.2%	(343,194)
Debt Payment - Ladder Truck Loan	103,018	103,018	103,018	103,018	100.0%	-
Total Expenditures	2,018,478	2,344,985	1,518,177	1,365,808	90.0%	(652,670)
Transfers-out	-	-	-	-	-	-
Total Expenditures & Transfers-out	2,018,478	2,344,985	1,518,177	1,365,808	90.0%	(652,670)
Surplus (Deficit)	177,659	(150,574)	710,874	814,962		

City of Clayton
FY 2019
Quarterly Financial Report
For the Twelve Months Ending September 30, 2019

Capital Improvement Fund

The Capital Improvement Fund earmarks funds for specific capital improvement and infrastructure needs.

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>						
Property Taxes	3,417	3,000	3,000	2,620	87.3%	(797)
Capital Improvement Sales Tax	1,398,203	1,421,058	1,346,058	1,344,893	99.9%	(53,310)
Stormwater & Parks Sales Tax	1,644,945	1,673,869	1,583,869	1,582,225	99.9%	(62,720)
Use Tax	-	107,500	267,500	272,697	101.9%	272,697
Road & Bridge Tax	964,884	910,324	958,324	957,829	99.9%	(7,055)
Grants & Donations	939,365	1,755,370	306,650	262,192	85.5%	(677,174)
Interest Income/Other	73,998	1,000	96,000	98,284	102.4%	24,286
Use of Bond Proceeds	-	8,465,000	-	-	-	-
Sale of Assets	-	3,475,000	2,375,000	2,374,507	1	2,374,507
Contributions/Special Assessments	11,621	6,800	46,800	45,193	96.6%	33,572
Total Revenue	5,036,433	17,818,921	6,983,201	6,940,439	99.4%	1,904,006
Transfers-in	2,081,768	2,241,195	1,325,932	1,325,830	100.0%	(755,938)
Total Revenue & Transfers-in	7,118,201	20,060,116	8,309,133	8,266,268	99.5%	1,148,067
<u>Expenditures & Transfers-out</u>						
Expenditures	3,383,286	15,011,717	3,923,780	3,721,539	94.8%	338,253
Transfers-out	3,543,461	3,314,274	3,314,274	3,294,301	99.4%	(249,160)
Total Expenditures & Transfers-out	6,926,748	18,325,991	7,238,054	7,015,840	96.9%	89,093
Surplus (Deficit)	191,453	1,734,125	1,071,079	1,250,428		

FY 2019 Budgeted Capital Project Expenditures

	FY 2018 Final Actual	FY 2019 Amended Budget	FY 2019 Draft Final Actual	% of Budget Received / Expended
<u>Projects</u>				
Street Resurfacing	703,391	116,402	115,893	99.6%
Streetscape Improvements	-	-		#DIV/0!
Alleys	-	702,027	701,084	99.9%
Microsurfacing	10,770	264,419	264,096	99.9%
Street Lighting	141,361	-	23,735	100.0%
Curb & Sidewalks	43,512	146,258	72,745	49.7%
Facility Improvements	479,904	998,901	954,355	95.5%
Shaw Park Projects	990,307	165,000	163,239	98.9%
Oak Knoll Park Projects	738,844	395,000	393,406	99.6%
DeMun Park	38,365	465,000	463,619	99.7%
Park Acquisition	-	370,000	357,615	96.7%
Total Expenditures*	3,146,453	3,623,007	3,509,785	96.9%

**This list of capital expenditures only includes projects underway in FY 2019. It does not include projects that were completed in FY 2018.*

City of Clayton
FY 2019
Quarterly Financial Report
For the Twelve Months Ending September 30, 2019

Center Renovations Project Fund

The Center Renovations Capital Project Fund is a construction fund for the City's portion of renovations to The Center of Clayton. The project is funded by bonds issued for this purpose in 2019.

-----FY 2018-----	[-----FY 2019-----]				
Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>					
Revenue					
Total Revenue	-	-	-		-
Transfers-in	-	-	-	-	-
Total Revenue & Transfers-in	-	-	-		-
<u>Expenditures & Transfers-out</u>					
Expenditures					
Contribution to CRSWC		1,830,000	1,827,237	99.8%	1,827,237
Total Expenditures	-	1,830,000	1,827,237	99.8%	1,827,237
Transfers-out	-	-	-	-	-
Total Expenditures & Transfers-out	-	1,830,000	1,827,237	99.8%	1,827,237
Surplus (Deficit)	-	(1,830,000)	(1,827,237)		

Ice Rink Project Fund

The Ice Rink Project Fund is a capital construction fund for the purpose of constructing a year-round multi-purpose facility to include an ice rink. The project is funded by a bond issue which is planned for 2020.

-----FY 2018-----	[-----FY 2019-----]				
Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>					
Revenue					
Total Revenue	-	-	-		-
Transfers-in	-	-	-	-	-
Total Revenue & Transfers-in	-	-	-		-
<u>Expenditures & Transfers-out</u>					
Expenditures					
Park Improvements Shaw Park		200,000	197,339	98.7%	197,339
Total Expenditures	-	200,000	197,339	98.7%	197,339
Transfers-out	-	-	-	-	-
Total Expenditures & Transfers-out	-	200,000	197,339	98.7%	197,339
Surplus (Deficit)	-	(200,000)	(197,339)		

City of Clayton
FY 2019
Quarterly Financial Report
For the Twelve Months Ending September 30, 2019

Debt Service Funds

This summary provides information on all of the City's Debt Service Funds.

	-----FY 2018-----	[-----FY 2019-----]				
	Final Actual	Original Budget	Amended Budget	Draft Final Actual	% of Budget Received / Expended	\$ Over (Under) Prior Year
<u>Revenue & Transfers-in</u>						
Revenue						
2009 A/B Bond Issue	1,268,828	1,361,167	1,286,167	1,286,522	100.0%	5,738
2011 Bond Issue	246	140	140	186	133.1%	67
2014 General Obligation Bonds	1,464,491	1,479,821	1,314,821	1,318,609	100.3%	(135,792)
2014 Special Obligation Refunding Bonds	12,283	1,022	1,022	1,264	123.6%	(1,957)
Total Revenue	2,745,847	2,842,150	2,602,150	2,606,581	100.2%	(131,945)
Transfers-in						
From Capital Improvement Fund						
For 2011 Issue	652,863	654,163	654,163	649,163	99.2%	(3,701)
For 2014 S.O. Refunding Bonds	1,481,600	652,119	652,119	637,147	97.7%	637,147
Total Transfers-in	2,134,463	1,306,282	1,306,282	1,286,309	98.5%	633,446
Total Revenue & Transfers-in	4,880,310	4,148,432	3,908,432	3,892,890	99.6%	501,501
<u>Expenditures & Transfers-out</u>						
Expenditures						
2009 A/B Bond Issue	1,218,209	1,206,401	1,206,401	1,204,067	99.8%	(14,141)
2011 Bond Issue	648,048	652,663	652,663	649,534	99.5%	1,486
2014 General Obligation Bonds	1,002,715	1,009,788	1,009,788	1,005,806	99.6%	211,787
2014 Special Obligation Refunding Bonds	1,474,554	684,050	684,050	680,183	99.4%	(783,368)
Total Expenditures	4,343,525	3,552,902	3,552,902	3,539,589	99.6%	(584,237)
Transfers-out						
2014 G.O. Issue for Capital Projects	738,042	2,027,469	1,282,206	1,282,104	100.0%	625,104
Total Transfers-out	738,042	2,027,469	1,282,206	1,282,104	100.0%	625,104
Total Expenditures & Transfers-out	5,081,567	5,580,371	4,835,108	4,821,692	99.7%	40,867
Surplus (Deficit)	(201,257)	(1,431,939)	(926,676)	(928,802)		



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER (JKW)
PATTY DEFORREST, DIRECTOR OF PARKS & RECREATION
DATE: JANUARY 28, 2020
RE: ORDINANCE - PERMANENT AMEREN EASEMENT FOR ELECTRICAL SERVICE
RELATED TO THE PARKING LOT PROJECT IN SHAW PARK

The proposed ordinance would approve an easement to be granted to the Union Electric Company d/b/a Ameren Missouri ("Ameren") for the purpose of allowing Ameren to maintain electrical improvements and other related appurtenances and improvements, within Shaw Park as shown on Exhibit A. These improvements are part of the Parking Lot Project and the detention basin that will serve the site. The location of the feed line for the Center of Clayton runs directly through the detention basin and needs to be relocated in order for that stormwater improvement to be built. Ameren requires that they have access to these improvements for future maintenance purposes.

As can be seen in Exhibit A, the easement covers a portion of the western edge of Shaw Park, near the ballfields, where the new electrical services are being located.

The Parks & Recreation Department and the City Attorney have reviewed and approved the easement and agreement documents.

STAFF RECOMMENDATION: To approve the ordinance authorizing an easement to Ameren Missouri.

BILL NO. 6778

ORDINANCE NO.

**AN ORDINANCE APPROVING A PERMANENT AMEREN ELECTRIC EASEMENT
FOR ELECTRICAL SERVICE RELATED TO SHAW PARK**

WHEREAS, the Board of Aldermen finds that improvements to the electrical system serving Shaw Park will enhance Ameren's ability to provide a safe and reliable electrical service now and, in the future, and thereby benefit the City of Clayton and users of the City's facilities in Shaw Park; and

WHEREAS, portions of these electrical facilities will be located upon and under property owned by the City of Clayton and it is desired that the City enter into an easement as hereinafter referenced in order to allow such enhancements to be constructed and maintained on the City's property as hereinafter provided;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
CITY OF CLAYTON, MISSOURI, AS FOLLOWS:**

Section 1. The Board of Aldermen hereby approves and authorizes execution on behalf of the City of Clayton of an Easement Agreement to allow Ameren Missouri to construct, reconstruct, install, use, operate and maintain underground electric line or lines in substantial conformity with Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 28th day of January 2020.

Mayor

Attest:

City Clerk

Underground Electric Easement

REMS INFORMATION

Agreement ID: UEC-202001-21956

Project ID: 34220

EXHIBIT A
EASEMENT
(Underground Electric)

27 S. Brentwood Blvd.
St. Louis County
Geraldine District

KNOW ALL MEN BY THESE PRESENTS, this _____ day of _____, 20____, that CITY OF CLAYTON, a Municipal corporation of the State of Missouri, its successors, and assigns, whether one or more and whether an individual, individuals, a corporation, or other legal entity (hereinafter "Grantor"), for and in consideration of the sum of One and No/100ths Dollars (\$1.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby grant unto UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, a Missouri corporation, its successors, and assigns (hereinafter "Grantee"), a perpetual Easement with the right, privilege, and authority of Grantee, its agents, contractors, and subcontractors to survey, stake, construct, reconstruct, replace, use, operate, maintain, inspect, protect, repair, modify, add to the number of, abandon, or retire in place and remove underground electric and communication line or lines, cables, fixtures, appliances, and equipment appurtenant thereto, including above-ground transformers, cabinets, and pedestals, together with the authority to extend to any other party the right to use, pursuant to the provisions hereof, upon, over, across, and under the following described land, in St. Louis County, Missouri to-wit:

Two, ten (10) foot wide strips of land being part of a tract of land in U.S. Survey 1919, Township 45 North, Range 6 East, St. Louis County, Missouri; as described by deed thereof recorded in Book 6744 Page 2285 of the St. Louis County, Missouri Records.

The strips of land where the Grantee's facilities shall be located hereunder ("Easement Strips") shall be ten (10) feet wide, the centerline of which shall be the centerline of Grantee's facilities, as actually installed. Said locations shall be, generally and as nearly practicable as shown illustrated on the drawing marked Exhibit A hereto attached and made a part hereof.

Locator No. 19K540063

together with all rights and privileges for the exercise and enjoyment of said Easement rights.

Grantor also conveys the right of ingress and egress to and over the above-described Easement area and premises of Grantor adjoining the same, for all purposes herein stated; together with the right to trim, control the growth, cut and remove or cause to be removed at any time and by any means, any and all brush, bushes, saplings, trees, roots, undergrowth, rock, overhanging branches, and other obstructions upon, over, and under the surface of said Easement area and of the premises of Grantor adjoining the same deemed by Grantee to interfere with the exercise and enjoyment of Grantee's rights hereunder, endanger the safety of said facilities, or in order for Grantee to maintain compliance with the minimum clearance requirements of the National Electric Safety Code.

Grantee shall be responsible for actual damages (except the cutting and trimming of trees and other vegetation) occurring on the herein described property as a result of the construction, operation, maintenance, or repair of Grantee's facilities and shall reimburse the owner thereof for such loss or damages.

Grantor, for itself, its successors, and assigns, does hereby warrant and covenant unto Grantee, (1) that Grantor is the owner of the above-described land and has the full right and authority to grant this Easement, (2) that Grantee may quietly enjoy the premises for the purposes herein stated, and (3) that Grantor will not create or permit any building or other obstruction or condition of any kind or character upon Grantor's premises that will interfere with the Grantee's exercise and enjoyment of the Easement rights hereinabove conveyed.

IN WITNESS WHEREOF, the said Grantor has hereunto caused this Easement to be signed this _____ day of _____, 20_____.

CITY OF CLAYTON

Signature _____

Name _____

Title _____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____) ss:

On this _____ day of _____, AD. 20_____,
before me, the undersigned, a Notary Public in and for said State,
personally appeared.

PRINT/TYPE NAME

PRINT/TYPE NAME

PRINT/TYPE NAME

☐ to me personally known

or

☐ provided to me on the basis of satisfactory evidence

to be the persons(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf
of which the person(s) acted, executed the instrument.

NOTARY PUBLIC _____
(Sign in Ink)

(Print/type name)

Notary Public in and for the State of _____

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL

☐ CORPORATE

Title(s) of Corporate Officers(s):

☐ Corporate Seal N/A

☐ Corporate Seal is affixed

☐ PARTNER(s)

☐ Limited Partnership

☐ General Partnership

☐ ATTORNEY-IN-FACT

☐ EXECUTOR(s),

☐ ADMINISTRATOR(s),

☐ or TRUSTEE(s):

☐ LLC

Member/Manager

☐ GUARDIAN(s)

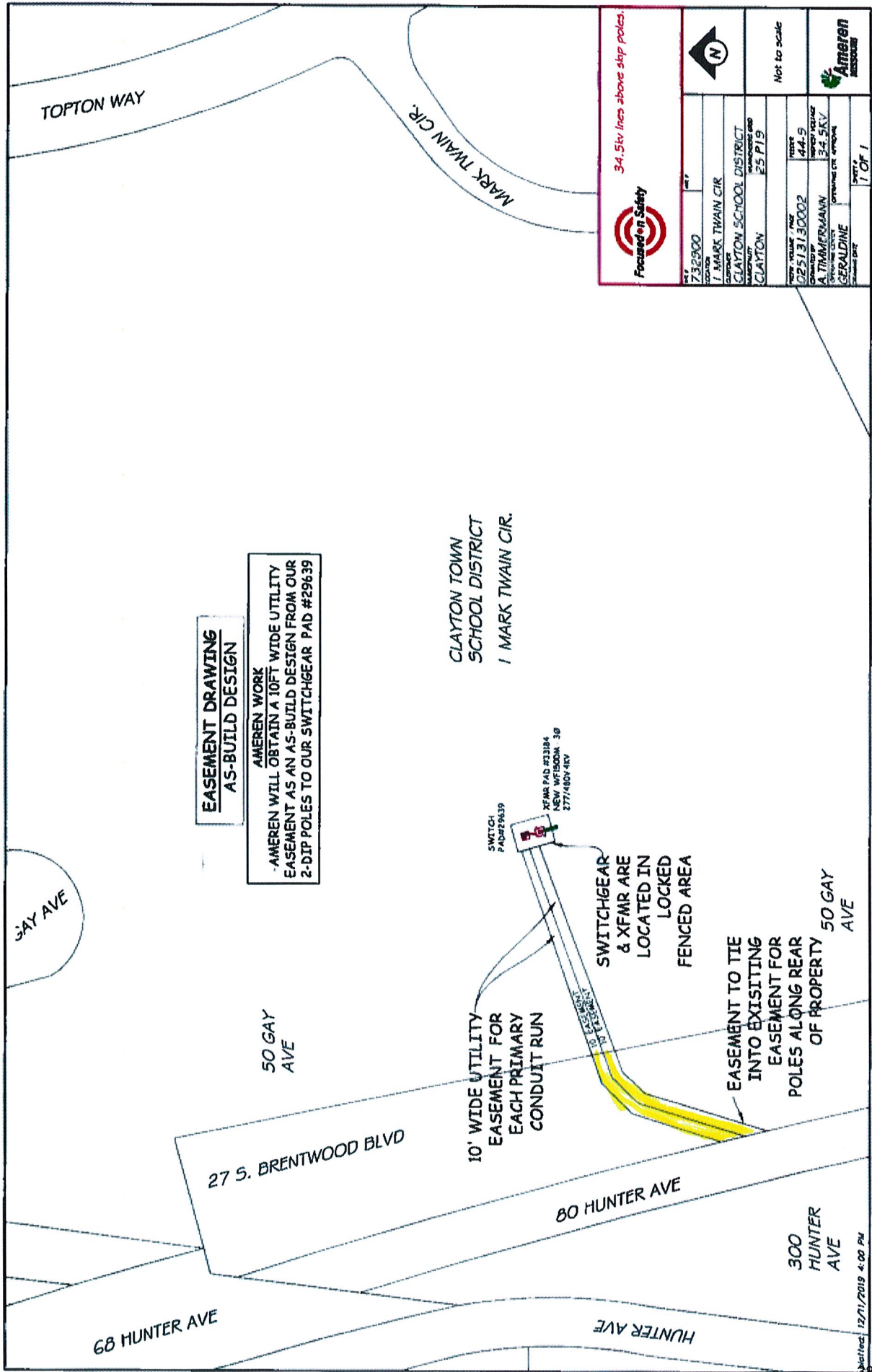
☐ or CONSERVATOR(s)

☐ OTHER

YTA
21MT732900
1/13/2020

Approved by Ameren Legal Services
August 2018

EXHIBIT "A"





City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER
DATE: JANUARY 28, 2020
RE: ORDINANCE - AN AGREEMENT WITH AZAVAR GOVERNMENT
SOLUTIONS FOR THE PROCUREMENT OF UTILITY AUDITING
SERVICES

Several cities in the area have joined a consortium to hire a firm to perform utility auditing services on utility providers which pay the City gross receipts tax. The audit work involves assuring the City is receiving all gross receipts (utility tax) due the City. The consultant will review the gross receipts rates charged by utility providers to assure it matches the City of Clayton ordinances and will also verify that we are receiving gross receipts tax on all entities within our boundaries. In addition, the firm will verify that utility services that the City pays on our facilities are at the lowest possible rates and fees. This will be very detailed work for the consultant to audit each of our utility providers and will likely take several months per provider.

The consultant's payment consists of 37% of any back revenue owed the City plus 37% of the related future revenue the City receives on those same fees for the next 36 months. While this amount may seem high, it is a percentage of funds the City is not currently receiving. We are able to receive this discounted rate by our contracting with the firm through the consortium of other cities involved in the same process.

STAFF RECOMMENDATION: To approve the attached agreement with Azavar Government Solutions to perform utility auditing services on behalf of the City.

BILL NO. 6779

ORDINANCE NO.

**AN ORDINANCE APPROVING A CONTRACT WITH AZAVAR GOVERNMENT SOLUTIONS
FOR THE PROCUREMENT OF UTILITY AUDITING SERVICES**

WHEREAS, the City of Clayton, Missouri desires to procure utility auditing services on the various utility providers charging gross receipts tax; and

WHEREAS, the City is working in coordination with several other cities who have joined in a consortium to procure these services at a reduced cost; and

WHEREAS, Azavar Government Solutions has been selected by the consortium to perform said auditing services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF
CLAYTON, MISSOURI, AS FOLLOWS:**

Section 1. The City Manager of the City of Clayton, Missouri, is hereby authorized to execute on behalf of the City a contract, in substantially the form attached hereto as Exhibit A and incorporated herein by reference, with Azavar Audit Solutions, Incorporated for the procurement of utility auditing services as outlined in said contract.

Section 2. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this 28th day of January 2020.

Mayor

ATTEST:

City Clerk

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (“Agreement”) is made and entered into by and between Azavar Audit Solutions, Incorporated, (D.B.A. Azavar Government Solutions) an Illinois corporation having its principal place of business at 55 East Jackson Boulevard, Suite 2100, Chicago, Illinois 60604 (“Azavar”), and Clayton, Missouri, a Missouri municipal corporation having its principal place of business at 10 North Bemiston Ave., Clayton, MO. 63015 (“Customer”).

1. SCOPE OF SERVICES

1.1 Subject to the following terms and conditions, Azavar shall provide professional services (“Services”) in accordance with the below statement of work. Azavar will render the services provided under this Agreement in a workmanlike manner in accordance with industry standards. The Services and work provided shall be provided in substantial accordance with the below Statement of Work:

- (a) Azavar shall undertake a Local Government Audit Program on behalf of the Customer. As part of the Local Government Audit Program Azavar shall, on behalf of the Customer, separately review and audit each gross receipts tax or business license fee imposed by the Customer on electric, gas, telecommunications, and water service providers doing business (“Providers”) within the Customer’s corporate boundaries (“Audits”) on behalf of the Customer.
- (b) The purpose of each audit is to determine past, present, and future taxes, franchise fees, service fees, or any other recoveries, refunds, monies or revenue owed to the Customer that were not properly attributed to the Customer or were not properly paid or collected by Providers and to determine future taxes, franchise fees, and other monies owed to the Customer not previously counted so that Customer can collect these past, present, and future monies. Azavar will review and analyze Federal and Missouri state law, the Customer’s own local ordinances and databases, and the franchise agreements, contracts or bills between Customer and Providers to conduct the Audits. In the course of an audit, Azavar will present to Customer in writing findings of monies which should have been paid to Customer by Providers in the past (“Underpayments”) and, based on the record of Underpayments, an estimate of the increased revenue Customer can reasonably expect to realize from Providers by correcting in the future errors identified in the Audits (“Anticipated Increased Revenue”) for review by the Customer (hereinafter “Findings”). Azavar will assist Customer to correctly apply and enforce obligations of Providers to collect monies due to the Customer under such applicable laws, local ordinances, or contracts. Azavar shall review Customer ordinances and may present recommendations to Customer to maximize Customer future revenues as part of the Audits. Customer understands that Findings may include, but are not limited to suggested updates to local ordinances or the codification thereof. Customer agrees that any Findings, if implemented in whole or in part by the Customer or Azavar with Customer’s authorization, shall be fully compensable under Section 3 of this Agreement, including wherein the Findings require any amendments to an ordinance and wherein the ordinance is so amended within eighteen (18) months of the date of submission of the Findings to Customer by Azavar. Customer agrees to review any Findings within thirty (30) days.
- (c) Customer hereby represents that it is not engaged in any Audits of Providers as contemplated under this Agreement and shall therefore pay Azavar the fees set forth in this Agreement for any Anticipated Increased Revenue attributable to the Audit and Findings by Azavar. Customer agrees that it shall notify Azavar within five (5) business days of any newly initiated Audits, changes to any ordinances related to any Audits, or execution or renewal of any contracts or franchise agreements related to any Audits as contemplated under this Agreement.
- (d) Azavar acknowledges and understands that Customer is or may be a member of approved or proposed plaintiff classes in certain class action lawsuits relating to telecommunications taxes involving the following companies: AT&T, Verizon, Century Link, Cricket, T-Mobile, US Cellular, Charter/Spectrum and Sprint and their affiliated companies. Customer shall provide notice within fifteen (15) days of being made aware of any class action of which it was not aware at the time of execution. The taxes or fees at issue in these lawsuits are excluded from this Agreement. Also, Customer has been in discussions with Missouri American Water Company concerning collection of taxes for services provided to property at 8300 Shaw Park Drive. Any issue with regard to that Provider and that matter is also excluded from this Agreement.
- (e) In order to perform the Audits, Azavar shall require full access to Customer records and Provider records. Customer shall use its authority as necessary to assist in acquiring information and procure data from Providers. Customer agrees that it shall cooperate with Azavar, provide any documentation and records

requested by Azavar, and provide continued access (prior to, during, and following any Audits) to documentation and records, and shall engage in meetings with Providers when requested by Azavar. Customer shall notify Azavar of any Provider requested meetings with Customer and shall include Azavar in said meetings.

- (f) During the course of each audit, Azavar may find that rather than being owed past due funds, the Customer owes funds erroneously paid to the Customer. In this case, Azavar will immediately terminate its participation for that specific Provider audit at no cost to the Customer and will document the error and provide the Customer with information necessary to correct the error. Azavar shall have no liability to Customer for these errors or actions arising from Azavar's or Customer's knowledge thereof.
- (g) Customer acknowledges that each Provider is a separate entity that is not controlled by Azavar and therefore Azavar cannot predict all the steps or actions that a Provider will take to limit its responsibility or liability during the Audit. Should Customer negotiate, abate, cancel, amend, delay, or waive by any means all or a portion of Underpayments of Anticipated Increased Revenue identified as payable to Customer during an audit, Customer shall pay any applicable contingency fees for any Findings that were identified by Azavar or by its Audits;
- (h) The first audit start date is expected to be within no later than thirty (30) days from the date of this Agreement unless changed and approved by the Customer's Audit Primary Contact and Liaison;
- (i) Each audit is expected to last at least six (6) months.
- (j) Audit status meetings will be held regularly via phone, email, or in person throughout the course of the Audits between Azavar and the Customer's Primary Contact and Liaison and will occur approximately every quarter;
- (k) Jason Perry, Local Government Audit Program Manager, and Azavar specialists will be auditors under this Agreement. All Azavar staff or subcontractors shall be supervised by the Azavar Program Manager.

1.2 Customer agrees to provide reasonable access to facilities for Azavar working on Customer's premises as may be reasonably required for the performance of the Services set forth in this Agreement and in any Exhibit hereto. Customer will assign and designate an employee to be the Audit Primary Contact and Liaison. The Customer's Audit Primary Contact and Liaison will be the final decision maker for the Customer as it relates to this audit and will meet with Azavar staff on a regular basis as necessary. Lack of participation of Customer staff, especially at critical milestones during an audit, will adversely affect the audit timeline and successful recovery of funds. Customer's staff shall be available for meetings and participation with Providers to properly verify records and recover funds.

2. **INDEPENDENT CONTRACTOR.** Azavar acknowledges and agrees that the relationship of the parties hereunder shall be that of independent contractor and that neither Azavar nor its employees shall be deemed to be an employee of Customer for any reason whatsoever. Neither Azavar nor Azavar's employees shall be entitled to any Customer employment rights or benefits whatsoever.

3. **PAYMENT TERMS.**

3.1 Customer shall compensate Azavar the fees set forth in this agreement on a contingency basis. In the event that Customer directly receives monies related to a Finding regarding Anticipated Increased Revenue, Azavar shall submit an invoice to Customer on a monthly basis detailing the amounts charged to Customer pursuant to the terms of this Agreement. Any invoice not disputed in writing by Customer within thirty (30) days after the receipt of such invoice shall be considered approved by the Customer. If Customer does not remit payment within sixty (60) days of receipt of an invoice, Azavar may assess interest at the rate of one percent (1%) per month. Contingency payment terms are outlined below. If Customer negotiates, abates, cancels, amends, delays, or waives, without Azavar's written consent, any Anticipated Increased Revenue that was identified by Azavar or by its Audits where such Findings were allowed under the law at the time the tax determination or Findings were made, Customer shall pay to Azavar applicable contingency fees for the total said tax determination or Findings at the rates set forth below and for the following thirty-six (36) months. If Customer later implements during the subsequent thirty-six (36) months any Findings Customer initially declined based on Azavar programs or recommendations, Azavar shall be paid by Customer its portion of the recoveries over the following thirty-six (36) months at the contingency fee rates set forth below. This contract does not entitle Azavar to any compensation relating to the outcome of an Audit relating to the holders of video service authorization as contemplated under § 67.2691, RSMo.

3.2 Customer shall pay Azavar an amount equal to thirty-seven (37) percent of any Anticipated Increased Revenue realized per account or per Provider for thirty-six (36) months following when funds begin to be properly remitted to the Customer. In the event any Provider gives Customer any credits at any time in lieu of payment of Anticipated

Increased Revenue, Customer will pay Azavar an amount equal to thirty-seven (37) percent of the fair market value for such credit or any other special consideration or compensation recovered for or received by the Customer from any Provider. All contingency fees paid to Azavar are based on determinations of recovery as agreed to by Azavar and Customer after review and analysis of Provider data and regulatory filings. All revenue after the subsequent thirty-six (36) month period for each account individually will accrue to the sole benefit of the Customer. Customer acknowledges that the 37% fee offered by Azavar is a special discount provided to the St. Louis Area Consortium contingent upon Customer executing and providing to Azavar this Agreement on or before January 31, 2020.

4. **CONFIDENTIAL INFORMATION**

4.1 Each party acknowledges that in the performance of its obligations hereunder, either party may have access to information belonging to the other which is proprietary, private and highly confidential ("Confidential Information"). Each party, on behalf of itself and its employees, agrees not to disclose to any third party any Confidential Information to which it may have access while performing its obligations hereunder without the written consent of the disclosing party which shall be executed by an officer of such disclosing party. Confidential Information does not include: (i) written information legally acquired by either party prior to the negotiation of this Agreement, (ii) information which is or becomes a matter of public knowledge, (iii) information which is or becomes available to the recipient party from third parties where such third parties have no confidentiality obligations to the disclosing party; and (iv) information subject to disclosure under any Missouri state or federal laws.

4.2 Azavar agrees that any work product or any other data or information that is provided by Customer in connection with the Services shall remain the property of Customer, and shall be returned promptly upon demand by Customer, or if not earlier demanded, upon expiration of the Services provided under any Statement of Work hereto.

5. **INTELLECTUAL PROPERTY**

5.1 No work performed by Azavar or any Consultant with respect to the Services or any supporting or related documentation therefor shall be considered to be a Work Made for Hire (as defined under U.S. copyright law) and, as such, shall be owned by and for the benefit of Azavar. In the event that it should be determined that any of such Services or supporting documentation qualifies as a "Work Made for Hire" under U.S. copyright law, then Customer will and hereby does assign to Azavar, for no additional consideration, all right, title, and interest that it may possess in such Services and related documentation including, but not limited to, all copyright and proprietary rights relating thereto. Upon request, Customer will take such steps as are reasonably necessary to enable Azavar to record such assignment. Customer will sign, upon request, any documents needed to confirm that the Services or any portion thereof is not a Work Made for Hire and/or to effectuate the assignment of its rights to Azavar.

6. **DISCLAIMER**

EXCEPT AS EXPRESSLY PROVIDED IN THIS AGREEMENT, AZAVAR DOES NOT MAKE ANY WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SERVICES RENDERED UNDER THIS AGREEMENT OR THE RESULTS OBTAINED FROM AZAVAR'S WORK, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL AZAVAR BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL, OR INDIRECT DAMAGES.

7. **TERMINATION**

7.1 Unless earlier terminated in accordance with Section 7.2 below, this Agreement shall be effective from the date first written below and shall continue thereafter until terminated upon 90 days written notice by Customer or Azavar.

7.2 Termination for any cause or under any provision of this Agreement shall not prejudice or affect any right of action or remedy which shall have accrued or shall thereafter accrue to either party.

7.3 The provisions set forth above in Section 3 (Payment Terms), Section 4 (Confidential Information), and Section 5 (Intellectual Property) and below in Section 9 (Assignment), and Section 10 (Use of Customer Name) shall survive termination of this Agreement.

8. **NOTICES.** Any notice made in accordance with this Agreement shall be sent by certified mail or by overnight express mail:

If to Azavar
General Counsel
Azavar Audit Solutions, Inc.
55 East Jackson Boulevard, Suite 2100
Chicago, Illinois 60604

If to Customer
City Manager
Clayton City Hall
10 North Bemiston Ave.
Clayton, MO 63105

9. **ASSIGNMENT.** Neither party may assign this Agreement or any of its rights hereunder without the prior written consent of the other party hereto, except Azavar shall be entitled to assign its rights and obligations under this Agreement in connection with a sale of all or substantially all of Azavar's assets.
10. **USE OF CUSTOMER NAME.** Customer hereby consents to Azavar's use of Customer's name in Azavar's marketing materials; provided, however, that Customer's name shall not be so used in such a fashion that could reasonably be deemed to be an endorsement by Customer of Azavar unless such an endorsement is provided by customer.
11. **COMPLETE AGREEMENT.** This Agreement, along with each Statement of Work attached hereto from time to time, contains the entire Agreement between the parties hereto with respect to the matters specified herein. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision hereof. This Agreement shall not be amended except by a written amendment executed by the parties hereto. No delay, neglect or forbearance on the part of either party in enforcing against the other any term or condition of this Agreement shall either be, or be deemed to be, a waiver or in any way prejudice any right of that party under this Agreement. This Agreement shall be construed in accordance with the laws of the State of Missouri and the parties hereby consent to the jurisdiction of the courts of the State of Missouri.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate originals by their duly authorized representatives as of the date set forth below.

AZAVAR AUDIT SOLUTIONS, INC.

CITY OF CLAYTON, MO.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



November 25, 2019

Jonathan M. Grossman
Direct Phone 202-912-4866
jgrossman@cozen.com

Name: _____ Title: _____ Community: _

Address: _____ Community, MO Zip: _

Re: Municipal Taxes and Fees

Dear _____:

We are pleased that the [the City of Clayton, Missouri, is engaging Cozen O'Connor, P.C. ("Cozen") to assist in the collection of municipal taxes and fees from certain taxpayers specified by Client. This letter is intended to formalize our retention, as required by applicable Rules of Professional Conduct. Before engaging in any specific representation of Client, we will need to run a conflict check and agree to the scope of work.

Cozen's fee will be an amount equal to 37% of any Underpayment (as defined in the Professional Services Agreement between Azavar Government Solutions) collected by Cozen and fair market value for any other special consideration or compensation recovered for and/or by Client from any audited taxpayer as to which Cozen undertakes collection efforts at Client's request. Underpayments relating to the holders of video service authorization as contemplated under §67.2691, RSMo. are specifically excluded from this engagement. All contingency fees paid to Cozen are based on determinations of recovery by Cozen and agreed to by Client.

Cozen and Client will each be responsible for paying their own costs such as travel expenses for their personnel and routine overhead expenses (e.g., copying, telephone and express mail). Direct litigation costs, such as filing fees, deposition transcripts, expert witness expenses, and outside copying fees, shall be paid by Cozen.

If Client is awarded costs or legal fees in addition to taxes, penalties and interest, those costs or fees shall first be used to reimburse Client for any direct litigation costs it paid. Any amount in excess would be paid to Cozen.

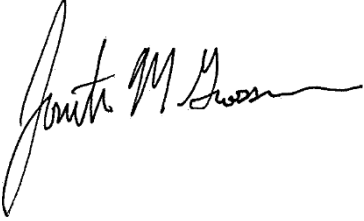
If the arrangement outlined above is satisfactory, please acknowledge this by signing below and returning it to me at your earliest convenience. If you have any questions concerning the terms of this engagement, please do not hesitate to call me.

LEGAL\35902666\1

1200 19th Street, NW
Washington, DC 20036 202.912.4800
800.540.1355
202.861.1905 Fax
cozen.com

Sincerely,

COZEN O'CONNOR



BY: JONATHAN M. GROSSMAN

JMG

ACCEPTED ON BEHALF OF Clayton

Signature: _____

Name: _____

Title: _____

Date: _____



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER (*JKW*)
PATTY DEFORREST, DIRECTOR OF PARKS & RECREATION
DATE: JANUARY 28, 2020
SUBJECT: RESOLUTION - REVISED PROJECT LIST FOR THE CLAYTON COMMUNITY FOUNDATION TO USE AS FUNDRAISING TARGETS

We are returning to the Board of Aldermen (Board) to confirm the approved project list for the purpose of fundraising by the Clayton Community Foundation (CCF). Since the first list was approved by the Board in 2010, over \$8 million has been raised by CCF to help fund projects that have been placed on this list. In addition, a \$2.5 million endowment has been established to pay for maintenance costs associated with the largest project, the Chapman Plaza and Falls project on the northern corner of Shaw Park. This list has been updated by the Board several times, most recently on October 9, 2018.

At this time, we are asking that the Board approve the list before you tonight in order to reaffirm the City's desire that CCF continue to work to raise funds for these City of Clayton priorities:

- Hanley House improvements as recommended in the building assessment; specific projects to include:
 - Hanley House Fire Suppression System
 - Hanley House Interior Restoration
- Shaw Park Ice Rink improvements to include:
 - Construction of new facility
 - Endowment for operations
- Expansion of green space according to recommendations contained within the 2015 Park Lands Needs Assessment; specific project to include:
 - Maryland Avenue Park Development
- System wide playground improvements; listed below in the order of priority in the city's capital plan:
 - Shaw Park – by South Shelter
 - Shaw Park – by Fields 5 & 6
- Additional art throughout the City of Clayton according to the Updated City of Clayton Public Art Master Plan; specific projects to include:
 - Art along Wydown Median
 - Solar Kinetic Trees
 - Art in Parks
- Projects contained within the Downtown Master Plan
- Aqua Climbing Wall for Shaw Park Aquatic Center

- Century Garden located between Shaw Park Aquatic Center and Shaw Park Ice Rink
- Support for Events sponsored by the City of Clayton
- Assistance for Neighborhoods applying for consideration to be on the National Register of Historic Places
- Shaw Park South Entrance Landscaping Improvements
- Bicycle Lockers, Repair Stations and Racks
- E-cabs
- Urban Beautification Projects
- Historic Site Markers

Staff Recommendation: To approve the resolution.

RESOLUTION NO. 2020-02

A RESOLUTION SUPERSEDING RESOLUTION NO. 18-18 AND APPROVING AN UPDATED LIST OF PROJECTS TO BE FORWARDED TO THE CLAYTON COMMUNITY FOUNDATION TO BE USED AS TARGETS FOR ITS FUNDRAISING EFFORTS

WHEREAS, the Clayton Community Foundation has been created to assist the City of Clayton with fundraising efforts for projects to improve the quality of life in Clayton; and

WHEREAS, the Board of Aldermen wishes to provide the Clayton Community Foundation with a revised list of projects it supports for the Foundation to focus its fundraising efforts;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON THAT THE FOLLOWING REVISED LIST OF PROJECTS IS APPROVED FOR FUNDRAISING PURPOSES:

- Hanley House improvements as recommended in the building assessment; specific projects to include:
 - Hanley House Fire Suppression System
 - Hanley House Interior Restoration
- Shaw Park Ice Rink improvements to include:
 - Construction of new facility
 - Endowment for operations
- Expansion of green space according to recommendations contained within the 2015 Park Lands Needs Assessment; specific project to include:
 - Maryland Avenue Park Development
- System wide playground improvements; listed below in the order of priority in the city's capital plan:
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- Century Garden located between Shaw Park Aquatic Center and Shaw Park Ice Rink
- Support for Events sponsored by the City of Clayton
- Assistance for Neighborhoods applying for consideration to be on the National Register of Historic Places
- Shaw Park South Entrance Landscaping Improvements
- Bicycle Lockers, Repair Stations and Racks
- E-cabs
- Urban Beautification Projects
- Historic Site Markers

This Resolution shall supersede Resolution No. 18-18 of October 9, 2018 on the same subject and shall be in full force and effect from and after its passage by the Board of Aldermen.

Adopted this 28th day of January 2020.

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: JANET K. WATSON, INTERIM CITY MANAGER
JUNE FRAZIER, CITY CLERK
DATE: JANUARY 28, 2020
SUBJECT: APPOINTMENT TO BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to the following Boards or Commissions of the City. Mayor Harris has reviewed and agrees with the recommendation for appointment to the respective Board or Commission and, therefore, submits the following nomination for the Board's consideration.

Board of Adjustment

Jason Lehtman Ward 1 (new appointment as an *Alternate*; term to run through June 30, 2025)

Plan Commission/ARB

Helen DiFate Ward 3 (new appointment for unexpired term through June 30, 2020)-*replaces Ron Reim*

Recommendation: To consider the appointments.